

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

VILMA STOSS,

3:13-CV-01068-AC

Plaintiff,

ORDER

v.

J.P. MORGAN CHASE BANK, N.A.,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#26) on December 19, 2013, in which he recommends the Court grant Defendant's Motion (#14) to Dismiss Plaintiff's Complaint; dismiss Plaintiff's claim for negligent misrepresentation with prejudice; and dismiss Plaintiff's claims for promissory estoppel, breach of good faith and fair dealing, and violation of Oregon's Unfair Trade Practices Act (UTPA) without prejudice. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

**I. Portions of the Findings and Recommendation to which Plaintiff does not object.**

Plaintiff does not object to the portions of the Findings and Recommendation in which the Magistrate Judge recommends the Court grant Defendant's Motion to Dismiss Plaintiff's claims for negligent misrepresentation and violation of the UTPA.

When a party does not object to portions of a Magistrate Judge's Findings and Recommendation, this Court is relieved of its obligation to review the record *de novo* as to those portions of the Findings and Recommendation. *See Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*).

Having reviewed the legal principles *de novo* as to those portions of the Findings and Recommendation to which Plaintiff does not object, the Court does not find any error.

**II. Portions of the Findings and Recommendation to which Plaintiff objects.**

Plaintiff objects to the portion of the Findings and Recommendation in which the Magistrate Judge recommends the Court grant Defendant's Motion to Dismiss Plaintiff's claims for promissory estoppel and breach of the duty of good faith and fair dealing.

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's

report. 28 U.S.C. § 636(b)(1). See also *Dawson*, 561 F.3d at 932; *Reyna-Tapia*, 328 F.3d at 1121.

In her Objections Plaintiff reiterates the arguments contained in her Response to Defendant's Motion to Dismiss. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#26). The Court, therefore, **GRANTS** Defendant's Motion (#14) to Dismiss, **DISMISSES with prejudice** Plaintiff's claim for negligent misrepresentation, and **DISMISSES without prejudice** Plaintiff's claims for promissory estoppel, breach of good faith and fair dealing, and violation of the UTPA.

IT IS SO ORDERED.

DATED this 14<sup>th</sup> day of February, 2014.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge